

## **REMARKS**

Claims 26-43 are pending in the application.

Claim 35 is amended above to correct a typographical error. No new matter is added to the application by this amendment.

The examiner's claim rejections are overcome or they are traversed as set forth below.

### **I. THE 112, 1<sup>st</sup> PARAGRAPH REJECTION**

The examiner, for the first time in the long prosecution of this application, has taken the position that claims 26-43 fail to comply with the enablement requirement of 35 USC 112, 1<sup>st</sup> Paragraph. Regarding claims 26, 35 and 43 the Examiner alleges that the original specification fails to explain how to form selection data on the basis of identification and control data located in a service multiplex. Regarding claims 39 and 40, the Examiner alleges that the original specification fails to explain how to automatically generate selection data on the basis of identification and control data located in a service multiplex. The examiner is incorrect in both instances.

The specification enables the claimed invention. In particular Figure 1 and the associated description in the specification provide examples of a frame multiplex wherein a program frame comprises an identification and control data portion (1a), while the other portions (1b to 1n) of frame I contain the actual services to be transmitted (*See e.g.*, specification page 4 lines 1-36). The specification also teaches that first portion (1a) of the frame indicates which services are multiplexed in the frame and at which point of the frame each service can be found, i.e. information regarding the start and the end of the service.

Another specification excerpt, at lines 10 to 15, on page 5 for example, describes a first portion (1b) comprising the identification and control data of the multiplexed frame (1) shown in Figure 1 is used to provide a file-form service directory, which contains the information locating in the identification and control part (1b) of the frame (1) regarding the services provided by the frame. In other words, the specification includes an example where a file-form service directory may be formed by copying the identification and control data from the portion (1a) of the service multiple frames into a file-form service directory. The file-form service directory may optionally contain

other information. Still further, specification page 6, lines 19-29 discloses as an example, an embodiment of a file-from service directory created from the multiplexed services by means of the identification and control data (lb) of the respective frames by, for example, a server (2a), which is connected to a service provider (3a) which provides the multiplexed service in question. In other words, the specification provides an enabling disclosure of forming selection data on the basis of identification and control data in the service multiplex as well as generating selection data on the basis of the identification and control data in the service multiplex. The specification excerpts discussed above provide the skilled person with an enabling description of a multiplexed frame containing identification and control data, and further describes a server 2a of a service provider that is configured to copy the identification and control data (lb) from one or more multiplexed frames and to arrange the identification and control data thus obtained into a service directory file.

Enclosed at Appendix A is a copy of a Digital Video Broadcasting (DVB) standard (October 1996) showing an example of identification and control data located in a service multiplex at the time of the invention. The standard also show that the terminology used in the specification of the present application is common industry terminology that would be readily appreciated by a person skilled in the art. The specification also discloses various alternative embodiments for creating the selection data (the service directory) for the selection of service data on the basis of the identification and control data lb located in the service multiplex (frame 1).

On the above grounds, we submit that the claimed invention is described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

## **II. THE 112, 2<sup>nd</sup> PARAGRAPH REJECTION**

The examiner rejected claims 26-43 under the second paragraph of 35 USC §112 as being indefinite. In particular, the examiner believes that the term “providing the customer with the identified service or identification from the service multiplex” in claims 26 and 35 is unclear. Moreover, the examiner believes that the term “identification and control data” in claims 26, 35, 39-40 and 43 is unclear. The Applicant disagrees with the examiner’s position.

The application specification both enables and adequately describes the features the examiner objects to above. The applicants incorporate their enablement positions in Section I

herein. The specification both enables and provides a clear description of both claim terms for the same reasons related above.

Regarding the first term, it is clear that the identified service is the service identified in the previous step in claim 26, lines 10-12, namely "identifying the selected service on the basis of said identification and control data associated with the selected service and transmitted in multiplexed frames". The same applies to claim 35. However, in claim 35 the term "identified service" replaces the term "identification service" for clarity purposes.

Regarding the examiner's allegation that the claim term "identification data and control data" is unclear in claims 26, 35, 39, 40 and 43 it is clearly stated in claim 26 lines 4-7 that the identification and control data is located in the service multiplex and relates to the service data in the service multiplex. This description is also found in the specification at least at page 2, lines 25-31. Moreover examples of the type of information that constitutes "identification and control data" is disclosed throughout the specification. (*E.g.*, page 4, lines 25-36).

On at least the above grounds we submit that all claims and all claim terms are clear and definite.

### **III. TRAVERSE OF THE ANTICIPATION REJECTION**

The examiner rejected claims 26-32 and 34-43 as being anticipated under 35 USC 102(e) by Shiga et al. (USP 6,005,562). The examiner's rejection is traversed on the grounds recited below.

Shiga et al. discloses an electronic program guide (EPG) system using images of reduced size to identify programs which are to be transmitted. This EPG data is compiled with the actual program data and the compiled data is transmitted. On reception, the EPG data is separated from the received program data and the images of reduced, less than normal size represented by the EPG data are displayed in superposition over the received program. Column 20 line 60 to column 21 line 7 explicitly teaches that the EPG data is included in service information (SI) data which is multiplexed with the actual program data. Thus, Shiga et al. fails to teach forming selection data for the selection of service data on the basis of the identification and control data located in the service multiplex and transmitting the selection data separately, without the actual

service data of the service multiplex, to the customer terminal for displaying the selection data. To the opposite, Shiga et al teaches a way of from the present invention in that it generates EPG data to be transmitted with the actual service data.

On the above grounds, we submit that the subject matter of present claims is not anticipated by or obvious from Shiga et al.

#### **IV. TRAVERSE OF THE OBVIOUSNESS REJECTION**

The examiner rejected claim 33 for obviousness in view of Shiga et al.

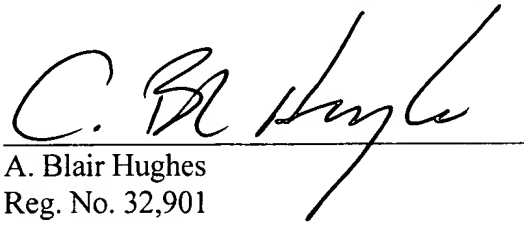
Claim 33 is non-obvious and patentable because Shiga does not disclose every feature of claim 33, the claim upon which claim 33 depends as set forth in Section III above.

#### **CONCLUSION**

In view of the claim amendments above, and further in view of the statements in favor of patentability presented above it is believed that pending claims 26-43 of this application are allowable. Favorable reconsideration and allowance of the pending application claims is, therefore, courteously solicited.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff.**

A handwritten signature in cursive script, appearing to read "C. B. Hughes", is written over a horizontal line.

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# APPENDIX A